

**GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT**

(G.O. Rt. No. 128/Lab./AIL/T/2015, dated 16th December 2015)

NOTIFICATION

Whereas, an award in I.D.(L) No. 29/2014, dated 26-10-2015 of the Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Immaculate Heart of Mary Girls' Higher Secondary School, Puducherry and Tmt. Yesurani over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by the Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

YASAM LAKSHMI NARAYANA REDDY,
Commissioner of Labour-cum-
Additional Secretary to Government (Labour).

BEFORE THE LABOUR COURT AT PUDUCHERRY

Present : Thiru N. SIVAKUMAR, B.A., M.L.,
Presiding Officer, Labour Court.

Monday, the 26th day of October 2015

I.D.(L) No. 29/2014

Yesurani . . . Petitioner

Vs.

The Principal,
Immaculate Heart of Mary Girls'
Higher Secondary School,
Puducherry. . . Respondent

This industrial dispute coming on 22-9-2015 for final hearing before me in the presence of Thiru J. Cyril Mathias Vincent, Counsel for the petitioner, respondent called absent, set *ex-parte*, upon perusing the case records, after having stood over for consideration till this day, this Court passed the following:

AWARD

This industrial dispute has been referred as per the G.O. Rt. No.77/AIL/Lab./J/2014, dated 2-5-2014 for adjudicating the following:-

(1) Whether the dispute raised by Tmt. Yesurani against the management of M/s. Immaculate Heart of Mary Girls' Higher Secondary School, Puducherry over her non-employment is justified? If justified, what relief she is entitled to?

(2) To compute the relief, if any awarded in terms of money, if it can be so computed?

2. The facts giving rise to this industrial dispute as stood exposed from the claim petition runs thus:-

The petitioner was employed as a non-teaching staff (ayya) on 1-6-2003 with an initial salary of ₹ 1,200 and in December 2011, the petitioner was paid ₹ 5,100 per month as wages inclusive of bonus. She has been carrying out her duties assigned to her without any blemish and to the satisfaction of her superiors.

On 4-1-2012, the petitioner was orally informed by the respondent that she need not come to work from the next day. No reason was assigned for her termination despite her pleas.

On 6-1-2012 the petitioner submitted a written representation pleading the respondent to permit her to resume her work as "ayya" since, with the wages she was earning as an "ayya" was the only source of income supporting her children and as a widow she had no other source of income. The petitioner further pleaded the respondent to let her know the reasons for stopping her from her work.

Subsequent to her letter, dated 6-1-2012 the respondent herein issued order bearing No. 601/IHMGHSS/2011-12, dated 3-1-2012 on 14-1-2012 at 13.00 hours. The petitioner requested the respondent herein to furnish her with an attested true copy of the materials (1) to (4) referred to in the order bearing No. 601/IHMGHSS/2011-12, dated 3-1-2012 to enable the petitioner to give a comprehensive reply to the order. The petitioner also pointed out that the order has been posted after receiving her letter, dated 6-1-2012 and that she had been terminated without any notice. The order was prepared after the impugned termination.

She came to know only on 27-1-2012 about the respondent's allegation that the impugned termination was after an alleged enquiry, conducted behind her back.

No show cause notice was issued to her either in person or through registered post and the petitioner had no knowledge of any show cause notice, chargesheet, appointment of the alleged Enquiry

Officer and the alleged enquiry. The petitioner came to know about the show cause notice, chargesheet and the appointment of the Enquiry Officer as well as the proceedings of the Enquiry Officer only after 27-1-2012, after the impugned oral termination.

The non-employment of the petitioner by the respondent is illegal, contrary to law and the principles of natural justice were not followed prior to the impugned termination.

She is without employment and salary from January 2012 and the petitioner is entitled for her employment with back wages and other allowances.

This Court to pass an award in favour of the petitioner and against the respondent (a) by reinstating the petitioner in her employment with full back wages from January 2012 till the date of resuming her work, (b) and for costs.

3. No counter was filed on behalf of the respondent. Since the respondent remained *ex-parte*.

4. On the side of the petitioner PW.1 was examined and Ex.P1 to Ex.P7 were marked.

5. The point for consideration is:

Whether the industrial dispute can be allowed? or not?

6. *On the point:*

Heard oral submissions of the learned counsel on record for the petitioner and documentary evidences, namely, Ex.P1 to P7. Perused. Ex.P1 is the letter, dated 6-1-2012 sent by the petitioner to the Principal of the respondent school, wherein, she has requested the management to permit her to resume work at the earliest. Ex.P2 is the acknowledgment card for dispatching Ex.P1 letter. Ex.P2 is another letter, dated 18-1-2012 written by the petitioner to the principal of respondent management reminding to consider the request pleaded in the Ex.P1 letter. Ex.P4 is the yet another letter, dated 8-2-2012 scripted by the petitioner to the respondent. In this letter, the petitioner has specifically refuted the allegation leveled against her in the report, dated 24-1-2012 and specifically denied that no enquiry was conducted as mentioned in this report. Further, she has specifically stated that she was not served with any letter or show cause notice or any communication at any point of time regarding the enquiry. So, the enquiry report is a fabricated one for the purpose of terminating her service. The petitioner has reiterated her plea of continuing her service. Ex.P5 is the acknowledgment card for the receipt of Ex.P4 letter. As the respondent management did not consider the request of the petitioner she has sent Ex.P6 representation to the

Labour Officer (Conciliation), Labour Department, Government of Puducherry to conciliate the matter. Along with this representation, she has enclosed her last pay slip for the month of December 2011 against on 18-3-2013. The petitioner had sent Ex.P7 representation to the concerned Labour Officer denying the allegations levelled against her by the management and also the contents of the chargesheet and the enquiry proceedings. As the conciliation between the petitioner and the respondent failed the dispute has been referred to this Court for adjudication.

7. The respondent has not chosen to appear before this Court and contest the matter.

8. The petitioner through her oral testimony as PW.1 and by producing relevant documentary evidence, namely, Ex.P1 to P7 has categorically established that there is no fault on her part while discharging her duty. So it is clear that without any reason the petitioner has been illegally terminated by the respondent management. The petitioner was working as 'ayya'. The petitioner is a widow who was working as an 'ayya' (non-teaching staff) in the respondent school and she was the sole bread-winner of the family. So on carefully considering the oral testimony of PW.1 in the light of Ex.P1 to P7. This Court comes to the conclusion that the petitioner is entitled for the employment in the respondent organisation as claimed by her. So, the respondent management is directed to provide the employment to the petitioner as a non-teaching staff (ayya) which was the post held by her, at the time of termination, from the date of this order within one month with all benefits from the date of this petition, failing which the amount entitled for the petitioner would be paid by the respondent management with nine per cent of interest thereon till payment. Accordingly it is ordered.

9. In the result, the respondent is directed to provide employment to the petitioner as a non-teaching staff (ayya) within one month from the date of this order and also it is ordered that the petitioner is entitled for the benefits as entitled to her from the date of this petition, the monetary benefits should be paid to the petitioner within one month time of this order, failing which the amount should be paid to the petitioner with nine per cent interest thereon till payment. Accordingly it is ordered.-

Dictated to the Stenographer, transcribed by her, corrected and pronounced by me in the open Court on this the 26th day of October 2015.

N. SIVAKUMAR,
Presiding Officer,
Labour Court, Puducherry.

List of petitioner's witness:

PW.1 —22-10-2015—Yesurani

List of petitioner's exhibits :

Ex.P1 — Copy of the Letter from the petitioner to the respondent, dated 6-1-2012.

Ex.P2 — Copy of the acknowledgment card, dated 14-1-2012.

Ex.P3 — Copy of the letter from the petitioner to the respondent, dated 18-1-2012.

Ex.P4 — Copy of the letter from the petitioner to the respondent, dated 8-2-2012.

Ex.P5 — Copy of the acknowledgment card, dated 10-2-2012.

Ex.P6 — Copy of the letter from petitioner to the Labour Officer (Conciliation), dated 24-9-2013.

Ex.P7 — Copy of the letter from petitioner to the Labour Officer (Conciliation), dated 18-12-2013.

N. SIVAKUMAR,
Presiding Officer,
Labour Court, Puducherry.

GOVERNMENT OF PUDUCHERRY

CHIEF SECRETARIAT (ANIMAL HUSBANDRY)*(G.O. Ms. No. 10/AH/1070, dated 10th December 2015)*

ORDER

The Hon'ble Lieutenant-Governor, Puducherry is pleased to order for promotion of the following Veterinary Assistant Surgeons of the Department of Animal Husbandry and Animal Welfare, Puducherry as Joint Directors on temporary and *ad hoc* on conditional basis as detailed below and posted the officials in the offices mentioned against each with immediate effect:

Sl. No.	Name of the Veterinary Assistant Surgeon	Present place of working	Posting on promotion	Remarks
(1)	(2)	(3)	(4)	(5)
1.	Dr. S. Alagarasu	CVMS, Puducherry	Joint Director (LH), Puducherry.	—
2.	Dr. Giri Mehar Baba	Clinical Lab., Puducherry, Service placed at Veterinary Dispensary, Thattanchavady, Puducherry.	Registrar, PSVC, Puducherry.	—
3.	Dr. A.V. Subba Rao	Block-II, Key Village Centre, Puducherry.	Joint Director (AH), Puducherry.	—
4.	Dr. G. Selvaraj	ADS, Puducherry, service placed at Veterinary Dispensary, Thirukkanur, Puducherry.	Joint Director (ADS), Puducherry.	—
5.	Dr. R. Rajendiran	Mobile Veterinary Dispensary-II, Puducherry.	Joint Director (Poultry), Puducherry.	—
6.	Dr. T.S. Tamilselvan	Block-I, Key Village Centre, Puducherry.	Joint Director (LP), Puducherry.	—
7.	Dr. E. Syed Ali	Block-III, Key Village Centre, Puducherry.	Deputy Registrar (Academic), RIVER, Puducherry.	—